

FINDINGS OF FACT AND CONCLUSIONS OF LAW
STONECREST LIVE/WORK CUP
FILE NO. CU-24-01

The above-entitled Conditional Use Permit land use application came before the Star City Council for their action on April 16, 2024, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

The Applicant is requesting approval of a Conditional Use Permit for a 10 unit live-work condominium building consisting of commercial and residential uses. The subject property is located at 12550 W. Goldcrest Street, generally located on the south side of Hwy 44 between S. Can Ada Road and S. Ripplerock Avenue. Ada County Parcel No. R8180750930.

B. Application Submittal:

A neighborhood meeting was held on February 15, 2024, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on March 14, 2024.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on March 17, 2024. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on March 14, 2024. Notice was sent to agencies having jurisdiction in the City of Star on March 8, 2024. The property was posted in accordance with the Star Unified Development Code on April 1, 2024.

D. History of Previous Actions:

September 17, 2019 Council approved the Annexation (AZ-19-06), Planned Unit Development (PUD19-01) and Preliminary Plat (PP-19-01) for the Stonecrest Development to September 17, 2024. The property was zoned from Rural Urban Transition (RUT) to Central Business District (CBD).

E. *Comprehensive Plan Land Use Map and Zoning Map Designations:*

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Central Business District (CBD-PUD)	Central Business District (CBD)	Vacant
Proposed	Central Business District (CBD-PUD)	Central Business District (CBD)	Live/Work units
North of site	Central Business District (CBD-DA)	Central Business District (CBD)	Norterra Commercial Development
South of site	Central Business District (CBD-PUD)	Central Business District (CBD)	Stonecrest Residential and Live work
East of site	Central Business District (CBD-PUD)	Central Business District (CBD)	Approved Dutch Brothers Coffee
West of site	Central Business District (CBD-PUD)	Central Business District (CBD)	Vacant

F. *Development Features.*

CONDITIONAL USE PERMIT:

The applicant is requesting approval of a Conditional Use Permit to construct a 10 unit live/work condominium building located within the Stonecrest Subdivision. Each single live/work building will be individually owned. Each unit will consist of 1,200 square feet of commercial space on the ground floor and 1,200 square feet upstairs that can be used for living area or additional commercial space. The exact buildout will be determined when each unit is sold. The living area will either be 1 bedroom with an office or 2 bedrooms with a master suite, tiled showers, dual vanities, walk in closets, fireplace, and a patio. Each upstairs unit may have access to the downstairs commercial space, depending on the owner’s preference. The main upstairs access will be from a walkway along Goldcrest Street.

Access will be taken from W. Goldcrest Street off S. Ripplerock Avenue. Parking for the project will be to the west and north of the proposed building. Each residential unit will require one covered and one uncovered parking space with two additional spaces for visitor parking. The commercial space parking demands will depend on the end use of the owner. The most common uses that would be in this type of development require one parking space for every 250 square feet of commercial area. The Applicant needs 10 covered parking spaces and is proposing eleven, with five on the east side of the building and six on the west end of the building. The Applicant is proposing 20 parking spaces on the north of the building. The entire parcel is proposed to contain 64 uncovered parking spaces and the UDC requires 48 total spaces. **These spaces will be shared with other commercial uses in the development and will require cross parking agreements, as stated in the original PUD approval.**

Section 8-4B-2 of the UDC requires all parking stalls to be a minimum of nine feet (9') wide and twenty feet (20') deep.

- A. When a vehicle bumper overhangs onto a sidewalk or landscape area, the parking stall dimensions may be reduced two (2) feet in length if two (2) feet is added to the width of the sidewalk or landscaped area, and the additional area is planted in ground cover. In this case, wheel restraints may be removed.

The proposed site plan calls out the appropriate dimensions to satisfy these requirements.

The Unified Development Code, Section 8-4B-2 states that all drive aisles adjacent to a building shall be a minimum of twenty-five wide (25') or as required by the fire code, unless the building is thirty feet (30') in height or greater, at which point the drive aisle shall be twenty-six feet (26') wide or as otherwise approved by the Fire District. The Applicant is proposing a twenty-five foot (25') wide drive aisles which satisfies the requirement for minimum drive aisle width.

The applicant has provided exterior elevations and color renderings that will need to be reviewed by the Design Review Committee, as part of the Certificate of Zoning Compliance process, for approval.

Section 8-3A-4 of the UDC requires "All setbacks in the CBD . . . zone shall maintain a minimum 15' when adjacent to a residential use or zone." The applicant is not requesting any setback waivers.

As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. **The Applicant has provided a landscape plan that appears to meet the code requirements along W. Goldcrest Street for street trees along with the required commercial parking lot requirements.**

The Applicant has provided a parking lot lighting plan for the site. The locations are aligned with code requirements. The lights should match the existing lights currently installed in the development. Building lights shall be reviewed and approved as part of the Design Review/CZC process. All lighting shall be downward facing and Dark Sky like compliant to avoid any fugitive light to the neighboring properties.

H. *On-Site Features:*

- ☒ Areas of Critical Environmental Concern – No known areas.
- ☒ Evidence of Erosion – No known areas.
- ☒ Fish Habitat – No known areas.
- ☒ Mature Trees – None.

- ✧ Riparian Vegetation – None.
- ✧ Steep Slopes – None.
- ✧ Stream/Creek – No.
- ✧ Unique Animal Life – No unique animal life has been identified.
- ✧ Unique Plant Life – No unique plant life has been identified.
- ✧ Unstable Soils – No known issues.
- ✧ Wildlife Habitat – No wildlife habitat has been developed or will be destroyed.
- ✧ Historical Assets – No historical assets have been observed.
- ✧

I. *Agencies Responding:*

The following agencies responded, and correspondence was attached to the staff report.

ITD	March 19, 2024
DEQ	March 19, 2024
IDWR	March 26, 2024

J. Staff received the following letters & emails for the development:

None

K. *Comprehensive Plan and Unified Development Code Provisions:*

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Central Business District

The Central Business District is planned to be a vibrant downtown center for the community. Uses encouraged are commercial, retail, civic, private offices, and entertainment. High density housing is encouraged on the upper floors of mixed-use buildings and at the fringes of the land use designation. Developments in this district are to place an emphasis on pedestrian and bicycle access and compatibility.

8.3 Goal:

Encourage the development of a diverse community that provides a mix of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible, an assortment of amenities within walking distance of residential development.

8.4 Objectives:

- Implement the Land Use Map and associated policies as the official guide for development.
- Work to create a vibrant Central Business District.
- Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.
- Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.
- Encourage commercial development that is consistent with a family friendly feel, not overburdening the community with big box and franchise uses and discourage the development of strip commercial areas.

8.5.5 Policies Related Mostly to the Central Business District Planning Areas:

A. The CBD zoning district should allow for a mix of commercial, office, institutional, and civic type uses with specific provisions for residential use in appropriate locations with compatible densities.

B. High density residential is suitable within the CBD in mixed use buildings with commercial or office type uses on the first floor and high density residential on upper floors.

C. Main Street, generally south of Tempe Lane extended, consists of several lots which are about one acre in size created by "Dixon Subdivision" almost a century ago. Many of the existing home sites on these lots are rural in nature, including farm animals. As redevelopment of this area occurs, a transition consisting of a compatible mix of lower intensity commercial and office type uses mixed with residential should be encouraged. This Main Street area needs to be studied to provide for special care guiding future development understanding that the rights consisting of the existing rural use of residential lots are not to be infringed. Furthermore, Main Street is to be studied for the provision of traffic calming measures and to provide for a connection for horseback riders to access an equestrian trail which should be planned along the Boise River.

D. The city should develop a street improvement plan for the CBD identifying drainage and street improvements with a functional grid system and use public private partnerships to assure the system is built and that "ad hoc" development of parcels within the CBD do not block good planning.

E. The city should develop a downtown grid system, in part, planning for the easterly extension of Tempe Lane and easterly extension of West First Street to help provide better downtown access and parking facilities.

F. The east west public road from the Heron River Development, south of the LDS Church on Main Street, should be extended to Star Road.

G. Implement, review, and update the 2011 Star Downtown Revitalization Plan for development strategies within the plan intended to stimulate development within the CBD.

H. As recommended in the 2011 Star Downtown Revitalization Plan, the city should create an Urban Renewal District to stimulate development within the CBD.

I. The city should encourage assemblage of the smaller properties where appropriate.

J. The “floodway” lands abutting the CBD land use designation, all as shown in the Comprehensive Plan Land Use Map, should continue to be developed as park space supporting activities integral to the economic and “Live, Work, Play” ambiance planned for the CBD.

K. Main city service facilities should be located in the CBD and should all be south of State Highway 44 clustered into a “City Services Campus”. That includes the City Hall, Library, Post Office, Emergency Services, Department of Motor Vehicles, and other related facilities.

L. Big Box commercial, generally a single-story single use building over 50,000 square feet, should not be permitted within the CBD and any single-story single use building which is large in scale, such as approaching the 50,000 square foot size, should be located to front on Highway 44 or Star Road.

8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- Encourage landscaping to enhance the appearance of subdivisions, structures, and parking areas.
- Require more open space and trees in subdivisions.
- Work with Ada County Highway District (ACHD), Canyon Highway District #4 (CHD4), and Idaho Department of Transportation (ITD) for better coordination of roadway and access needs.
- Support well-planned, pedestrian-friendly developments.
- Dark sky provision should be adopted within the code to assure down style lighting in all developments and Star should consider joining the International Dark Sky Association.

The City should utilize the 2018 Treasure Valley Tree Selection Guide when requiring trees within developments.

Unified Development Code:

8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED:

The following zoning districts are hereby established for the interpretation of this title, the zoning districts have been formulated to realize the general purposes as set forth in this title. In

addition, the specific purpose of each zoning district shall be as follows:

CENTRAL BUSINESS DISTRICT: To provide for commercial, retail, civic, office, and entertainment uses. High density housing is encouraged on the upper floors of mixed-use buildings and may also be allowed at the fringes of the land use designation shown on the comprehensive plan. Live/work designed development is also encouraged in this district. Developments in this district are to place an emphasis on pedestrian and bicycle access and compatibility. Special emphasis shall be placed on development in the central downtown area to encourage and create a vibrant, walkable downtown community that incorporates the Boise River as an active amenity.

8-3A-3: USES WITHIN ZONING DISTRICTS

The following table lists principal permitted (P), accessory uses (A), conditional (C), or prohibited (N) uses.

ZONING DISTRICT USES	CBD
Live/Work Multi-Use	C

8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS:

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front (1)	Rear	Interior Side	Street Side
CBD	35'	0'	0'	0' 4	0'

Notes:

1. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang onto the sidewalk.
2. Zero-Lot-Line and reduced front and rear setback waivers may be requested through the Development Agreement process. All other side yard setback requests for detached structures shall not be granted waivers, unless as part of a Planned Unit Development.
3. All setbacks in the CBD, C-1, C-2, LO, IL, PS, RC and M-U zone shall maintain a minimum 15' when adjacent to a residential use or zone.
4. As approved by the Fire District.

8-1B-4: CONDITIONAL USES:

A. Purpose: The purpose of this section is to establish procedures that allow for a particular use on a particular property subject to specific terms and conditions of approval.

B. Applicability: The provisions of this section apply to all uses identified as conditional use in chapter 3, "District Regulations", of this title, and as otherwise required by specific development standards in chapter 5, "Specific Use Standards", of this title.

C. Process:

1. The applicant shall complete a preapplication conference with the administrator prior to submittal of an application for a conditional use.
2. An application and appropriate application fees, in accord with article A, "General Provisions", of this chapter, shall be submitted to the administrator on forms provided by the planning department.
3. The administrator may require additional information concerning the social, economic, fiscal or environmental effects of the proposed conditional use, prior to the scheduling of a public hearing.

D. Standards: In approving any conditional use, the city council may prescribe appropriate conditions, bonds and safeguards in conformity with this title that:

1. Minimize adverse impact of the use on other property.
2. Control the sequence and timing of the use.
3. Control the duration of the use.
4. Assure that the use and the property in which the use is located is maintained properly.
5. Designate the exact location and nature of the use and the property development.
6. Require the provision for on site or off-site public facilities or services.
7. Require more restrictive standards than those generally required in this title.
8. Require mitigation of adverse impacts of the proposed development upon service delivery by any political subdivision, including school districts, that provides services within the city.

8-1B-4E. FINDINGS: The council shall base its determination on the conditional use permit request upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

2. That the proposed use will be harmonious with the Star comprehensive plan and in accord with the requirements of this title.
3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.
4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.
5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.
6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.
7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.

8-5-17: LIVE/WORK UNIT:

General Standards:

1. Live/Work units are allowed in the Mixed Use (MU) and Central Business District (CBD) zoning districts.
2. The commercial component of live/work is intended for use by the following occupations: accountants, architects, artists and artisans, attorneys, computer software and multimedia related professions, consultants, engineers, fashion, florist and greens, designers, hair stylists and barbers, insurance, real estate, one-on-one instructors, or similar uses. The Council may authorize other similar uses using reasonable discretion, as long as such other uses are allowed within the base zone and not otherwise precluded by law.
3. Live/work units must be attached. Residential areas are permitted above the commercial component, to the side or in the rear of the business component.
4. The commercial component shall be primarily operated within the unit, but may be also conducted in the yard, provided it meets all further requirements of this title.
5. The external access for the commercial component shall be oriented to the street and should have at least one external entrance/exit separate from the living space. The entrance to the business component shall be located on the ground level. Access to the commercial component of each live/work unit shall be clearly separate from the common walkways or entrances to the

other residential units within the development, or other residential units in adjacent developments;

6. The commercial use shall not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors;

7. No explosive, toxic, combustible or flammable materials in excess of what would be allowed incidental to normal residential use shall be stored or used on the premises.

8. The commercial component as designated on the floor plan approved through the conditional use permit shall remain commercial and cannot be converted to residential use. The residential component may be converted to a commercial use in the CBD zoning district upon approval of a new application.

8-6A-6: SHORT PLAT PROCESS:

A. Applicability: A subdivision application for a short plat may be processed provided that it meets all of the following conditions:

1. The property is an original lot in a recorded subdivision;
2. The property is not the result of a previous short plat of a lot and/or the property is not the result of an approved parcel division by Ada or Canyon County Development Services;
3. The proposed subdivision does not exceed a total of two (2) lots on a previously platted property or parcel of land;
4. No new public street dedication, or new proposed private street, excluding widening of an existing street, is involved;
5. There are no impacts on the health, safety or general welfare of the city, and the subdivision is in the best interest of the city.

B. Preapplication Conference: The applicant shall complete a preapplication conference with the administrator prior to submittal of an application for a combined preliminary and final plat. The purpose of this meeting is to discuss early and informally the purpose and effect of this title and the criteria and standards contained herein.

C. Application Requirements: Applications and fees, in accord with subsection 8-6A-3C, 8-6A-3D and 8-6A-4 of this article shall be submitted.

D. Final Approval Notice: Upon determination by the administrator that the short plat is in conformance with this article, a final approval letter shall be issued.

E. Time Limit and Completion of Tasks: Upon tentative approval of the application by the administrator, subject to any applicable conditions of approval and the regulations of this title, the applicant or owner shall have one year to complete the following tasks:

- a. Cause the property to be surveyed and a record of survey recorded;
- b. Execute and record the necessary deeds to accomplish the property boundary adjustments as approved;
- c. Obtain new tax parcel numbers and street addresses from the county assessor; and
- d. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the administrator.

F. A condominium plat application for any number of lots for property in any district shall be processed as a short plat where all buildings are constructed or have received building permits for construction. A condominium plat amendment for interior alterations or modifications shall be exempt from further review.

8-1B-4E CONDITIONAL USE FINDINGS:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

The Council finds nothing in the record indicating that the site of the proposed use would not be large enough to accommodate the proposed use or meet all of the dimensional and development regulations in the district in which the use would be located.

2. That the proposed use will be harmonious with the Star comprehensive plan and in accord with the requirements of this title.

The Council finds that the proposed use request is harmonious with the Star Comprehensive Plan and is in accord with the requirements of this Title. The proposed development meets the intent or purpose.

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

The Council finds that operation of the proposed use would be compatible with the other uses in the general area.

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

The Council finds that the proposed use, with imposed conditions of approval, would not adversely affect other property in the vicinity.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

The Council finds that the proposed use can be adequately served by essential public facilities and services.

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

The Council finds that the proposed use would not create excessive additional costs for public facilities and would not be detrimental to the economic welfare of the community. The City has not received notice from any agency having jurisdiction stating that this application will create excessive additional costs for the public facilities and services as the development will pay for all changes in services.

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The Council finds that the proposed use would involve activities that would not be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.

The Council finds that the proposed use would not result in the destruction, loss or damage of natural, scenic or historic feature of major importance since none are apparent on this site.

Public Hearing of the Council:

a. A public hearing on the application was heard by the City Council on April 16, 2024, at which time testimony was heard and the public hearing was closed, and the Council made their decision at that time.

b. Oral testimony regarding the application was presented to the City Council by:

- Shawn L Nickel, City Planning Director gave Staff Presentation
- Chris Todd, Applicant
- Ryan Field, City Assistant Planner

c. Written testimony in favor of or opposing the application was presented to the City Council at the hearing by:

None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed conditional use permit application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the proposed land use. Review and discussion included site plan/layout, access and circulation. The Council included Staff recommended conditions of approval to address any concerns. Council concluded that the Applicant's request, as conditioned, meets the requirements for conditional use. Council hereby incorporates the staff report dated April 16, 2024 into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

Council finds the Applicant has met all requirements of the Unified Development Code and the intent and purpose of the Comprehensive Plan and Map requirements.

Council added the following conditions of approval to their decision to approve the application to include the following:

- Council approves a total of 20 units within this development.

Conditions of Approval:

1. The approved Conditional Use shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **The applicant agrees to a proportionate share assessment by ITD regarding impacts to the State Highway System. ITD has calculated the fees to be \$10,000.00 (10 residential units only). These fees will be collected by the City of Star, by phase, prior to issuance of the first building permit.**
3. **The applicant shall submit a short plat application for review and approval of the condominium plat.**
4. **The applicant shall provide a recorded shared parking agreement prior to final occupancy of the first unit.**
5. Streetlights/Parking Lot lights shall comply with the Star City Code. Design shall follow Code with requirements for light trespass and "Dark Skies" lighting.
6. **A Certificate of Zoning Compliance will be required prior to issuing a building permit, to include final review and approval of the project by the Design Review Committee.**
7. **The Applicant shall meet all the requirements for the Ada County Highway District (ACHD) prior to certificate of occupancy.**
8. **The Applicant shall provide a letter from the Star Postmaster approving the location of the mailboxes for the new building, prior to issuing certificate of occupancy.**
9. The property shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.

10. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
11. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
12. The applicant shall meet all requirements of the Star Sewer and Water District.
13. The applicant shall provide a sign, to be located at all construction entrances, indicating the rules for all contractors that will be working on the property starting at grading and running through occupancy that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time). **Sign shall be approved by the City prior to start of any construction.**
14. The applicant shall obtain all the proper building permits from the City Building Department prior to occupancy of the unit.
15. The Conditional Use Permit may be revoked or modified by the City Council for any violation of any Condition of Approval.
16. The applicant shall obtain a sign permit prior to any signage being placed on the site or building.
17. Any additional Condition of Approval as required by Staff and City Council.
Any Conditions of Approval as required by Star Fire Protection District.

Council Decision:

The Council voted 4-0 to approve the Conditional Use for Stonecrest Live-Work on April 16, 2024.

Dated this 7th day of April 2024.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk